

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

In re: BARRIER, JAMES,
BARRIER, BARBARA,
Debtor.

Case No. **12-10315 SAH**
Chapter 7

TRUSTEE'S MOTION TO RETURN PROPERTY OF THE ESTATE

AND

BRIEF IN SUPPORT THEREOF

COMES NOW, John D. Mashburn, Trustee, and in support of the above-captioned Motion respectfully represents and shows to the Court the following:

1. The claim distribution being returned to the Estate and the Trustee previously not being able to locate the creditor, the Trustee forwarded a check for \$949.48 to the Bankruptcy Court Clerk as unclaimed funds.
2. Contact with the creditor has recently been made and since the case has not been closed the funds can still be distributed.
3. The Trustee therefore requests unclaimed funds previously sent to the Bankruptcy Court Clerk be returned to the Trustee pursuant to 11 U.S.C. §542(a) so they can be administered to the proper creditor.

WHEREFORE, the Trustee prays the Court for an Order directing such unclaimed funds be returned to the Trustee for distribution to the creditor and for such other and further relief to which the Trustee may be entitled.

Respectfully submitted,

s/ John D. Mashburn

JOHN D. MASHBURN, Trustee, OBA#12763
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NOTICE

Your rights may be affected. You should read this document carefully and consult your attorney about your rights and the effect of this document. If you do not want the Court to grant the requested relief, or you wish to have your views considered, you must file a written response or objection to the requested relief with the Clerk of the United States Bankruptcy Court for the Western District of Oklahoma, 215 Dean A. McGee Avenue, Oklahoma City, OK 73102 no later than 14 days from the date of filing of this request for relief. You should also serve a file-stamped copy of your response or objection to the undersigned Movant/Movant's attorney [and others who are required to be served] and file a certificate of service with the Court. If no response or objection is timely filed, the Court may grant the requested relief without a hearing or further notice. The 14 day period includes the three (3) days allowed for mailing provided for in Bankruptcy Rule 9006. service.

CERTIFICATE OF SERVICE

This is to certify that, on the date of filing as set forth in the Clerk's filing stamp above, service of a true and correct copy of the above and foregoing was effected, through Electronic Notice for Registered Participants using the Court's CM/ECF system, upon all CM/ECF Registered Participants.

/s/ John D. Mashburn

John D. Mashburn